

(Pub. L. 100-519, title I, §111, Oct. 24, 1988, 102 Stat. 2592.)

#### CODIFICATION

Section was enacted as part of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

### § 273. Functions; for whom exercised

The Institute is authorized to exercise its functions for the Government of the United States and for international organizations of which the United States is a member; for governments of friendly countries; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States or friendly countries engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments: *Provided*, That the exercise of these functions for international organizations, governments of friendly countries and scientific societies, educational institutions, firms, corporations, or individuals therein shall be in coordination with other agencies of the United States Government, in particular the Department of State in respect to foreign entities. All requests for the services of the Institute shall be made in accordance with the rules and regulations herein established.

(Mar. 3, 1901, ch. 872, §3, 31 Stat. 1449; June 22, 1972, Pub. L. 92-317, §3(c), 86 Stat. 235; Aug. 23, 1988, Pub. L. 100-418, title V, §5115(a)(1), 102 Stat. 1433.)

#### REFERENCES IN TEXT

“Herein”, referred to in last sentence of this section, refers to act Mar. 3, 1901, ch. 872, which is classified generally to this chapter.

#### AMENDMENTS

1988—Pub. L. 100-418 substituted “Institute” for “Bureau” and for “bureau”.

1972—Pub. L. 92-317 authorized the Bureau to extend its services to international organizations of which the United States is a member, and for governments of friendly countries in coordination with the Department of State.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 275a, 276, 278b of this title.

### § 274. Director; powers and duties; report; compensation

The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have the general supervision of the Institute, its equipment, and the exercise of its functions. The Director shall make an annual report to the Secretary of Commerce. The Director may issue, when necessary, bulletins for public distribution, containing such information as may be of value to the public or facilitate the exercise of the functions of the Institute. The Director shall be compensated at the rate in effect for level IV of the Executive Schedule under section 5315 of title 5. Until such time as the Director assumes office under this

section, the most recent Director of the National Bureau of Standards shall serve as Director.

(Mar. 3, 1901, ch. 872, §5, 31 Stat. 1449; July 29, 1985, Pub. L. 99-73, §6(a), 99 Stat. 172; Aug. 23, 1988, Pub. L. 100-418, title V, §5112(c)(1), 102 Stat. 1431.)

#### AMENDMENTS

1988—Pub. L. 100-418 amended section generally, substituting provisions relating to appointment, powers and duties, and compensation of, and reports by, Director of the Institute for similar provisions relating to Director of the Bureau of Standards, striking out requirement that the annual report include an abstract of the work done during the year and a financial statement, and inserting provision that until such time as the Director assumes office under this section, the most recent Director of the National Bureau of Standards shall serve as Director.

1985—Pub. L. 99-73 substituted “The Director” for “He” at beginning of second, third, and fourth sentences, and inserted provisions relating to compensation for the Director.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-73 effective Oct. 1, 1985, see section 6(c) of Pub. L. 99-73, set out as a note under section 5315 of Title 5, Government Organization and Employees.

### § 275. Appointment of officers and employees

The officers and employees of the Institute, except the director, shall be appointed by the Secretary of Commerce at such time as their respective services may become necessary.

(Mar. 3, 1901, ch. 872, §6, 31 Stat. 1450; Feb. 14, 1903, ch. 552, §10, 32 Stat. 829; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; Aug. 23, 1988, Pub. L. 100-418, title V, §5115(a)(1), 102 Stat. 1433.)

#### AMENDMENTS

1988—Pub. L. 100-418 substituted “Institute” for “bureau”.

#### CHANGE OF NAME

Act Mar. 4, 1913, substituted “Secretary of Commerce” for “Secretary of Commerce and Labor”.

#### TRANSFER OF FUNCTIONS

Act Feb. 14, 1903, transferred power and authority of Secretary of the Treasury over Bureau of Standards to Secretary of Commerce and Labor.

#### DEMONSTRATION PROJECT RELATING TO PERSONNEL MANAGEMENT

Pub. L. 99-574, §10, Oct. 28, 1986, 100 Stat. 3238, as amended by Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433, directed the Office of Personnel Management and the National Institute of Standards and Technology to jointly design an alternative personnel management system demonstration project to be commenced not later than Jan. 1, 1988, and to be conducted by the Director of the Institute in accordance with section 4703 of Title 5, Government Organization and Employees, with the Director of the Office of Personnel Management to provide that the project be evaluated annually by a contractor, and a report of the contractor's findings submitted to the Office, and, along with any comments of the Office and the Institute, submitted to the Congress, and a final report to be submitted to the Congress by the Comptroller General not later than 4 years after the date on which the project commences, such report to include any recommendations for legislation or other action considered appropriate by the Comptroller General.

**§ 275a. Service charges**

The Secretary shall charge for services performed under the authority of section 273 of this title, except in cases where he determines that the interest of the Government would be best served by waiving the charge. Such charges may be based upon fixed prices or costs. The appropriation or fund bearing the cost of the services may be reimbursed, or the Secretary may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

(Mar. 3, 1901, ch. 872, § 7, as added Aug. 3, 1956, ch. 906, § 1, 70 Stat. 959.)

**CODIFICATION**

Provisions relating to fees were formerly contained in section 276 of this title.

**§ 275b. Charges for activities performed for other agencies**

The Secretary of Commerce shall charge for any service performed by the Institute, at the request of another Government agency, in compliance with any statute, enacted before, on, or after October 6, 1982, which names the Secretary or the Institute as a consultant to another Government agency, or calls upon the Secretary or the Institute to support or perform any activity for or on behalf of another Government agency, or to cooperate with any Government agency in the performance by that agency of any activity, regardless of whether the statute specifically requires reimbursement to the Secretary or the Institute by such other Government agency for such service, unless funds are specifically appropriated to the Secretary or the Institute to perform such service. The Secretary may, however, waive any charge where the service rendered by the Institute is such that the Institute will incur only nominal costs in performing it. Costs shall be determined in accordance with section 278b(e) of this title.

(Pub. L. 97-286, § 8, Oct. 6, 1982, 96 Stat. 1223; Pub. L. 100-418, title V, § 5115(c), Aug. 23, 1988, 102 Stat. 1433.)

**CODIFICATION**

Section was not enacted as part of the National Institute of Standards and Technology Act which comprises this chapter.

**AMENDMENTS**

1988—Pub. L. 100-418 substituted “Institute” for “Bureau” wherever appearing.

**§ 275c. Cost recovery authority**

Fees for calibration services, standard reference materials, and other comparable services provided by the National Institute of Standards and Technology shall be at least sufficient to meet the requirements set forth in the amendments made by subsection (a),<sup>1</sup> and any funds recovered in excess of such requirements shall be returned to the Treasury of the United States.

(Pub. L. 99-73, § 5(b), July 29, 1985, 99 Stat. 172; Pub. L. 100-418, title V, § 5115(c), Aug. 23, 1988, 102 Stat. 1433.)

<sup>1</sup> See References in Text note below.

**REFERENCES IN TEXT**

The amendments made by subsection (a), referred to in text, mean the amendments made by subsec. (a) of section 5 of Pub. L. 99-73, which amended section 278b(f) of this title.

**CODIFICATION**

Section was not enacted as part of the National Institute and Technology Act which comprises this chapter.

**AMENDMENTS**

1988—Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “National Bureau of Standards”.

**EFFECTIVE DATE**

Section 5(c) of Pub. L. 99-73 provided that: “The amendments made by subsection (a) [amending section 278b of this title] (and the provisions of subsection (b) [enacting this section]) shall be effective October 1, 1984.”

**§ 276. Ownership of facilities**

In the absence of specific agreement to the contrary, additional facilities, including equipment, purchased pursuant to the performance of services authorized by section 273 of this title shall become the property of the Department of Commerce.

(Mar. 3, 1901, ch. 872, § 8, 31 Stat. 1450; June 30, 1932, ch. 314, title III, § 312, 47 Stat. 410; Aug. 3, 1956, ch. 906, § 1, 70 Stat. 959.)

**AMENDMENTS**

1956—Act Aug. 3, 1956, substituted provisions relating to ownership of additional facilities by the Department of Commerce (formerly contained in section 278b of this title) for those relating to fees, see section 275a of this title.

1932—Act June 30, 1932, inserted provision for payment of moneys into the Treasury, among other changes.

**EFFECTIVE DATE OF 1932 AMENDMENT**

Amendment by act June 30, 1932, effective July 1, 1932, see section 314 of that act.

**§ 277. Regulations**

The Secretary of Commerce shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying this chapter into effect.

(Mar. 3, 1901, ch. 872, § 9, 31 Stat. 1450; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736.)

**CHANGE OF NAME**

Act Mar. 4, 1913, substituted “Secretary of Commerce” for “Secretary of Commerce and Labor”.

**TRANSFER OF FUNCTIONS**

Act Feb. 14, 1903, transferred power and authority of Secretary of the Treasury over Bureau of Standards to Secretary of Commerce and Labor.

**§ 278. Visiting Committee on Advanced Technology****(a) Establishment; appointment; membership and composition; review and recommendations**

There is established within the Institute a Visiting Committee on Advanced Technology (here-